UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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Evan Eugene Moore,

v.

Jerry Howell, et al.,

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Case No. 2:18-cv-02345-JAD-BNW

Order Dismissing Unexhausted Claims and Setting Briefing Schedule

[ECF No. 23]

Respondents

Petitioner

Nevada state inmate Evan Eugene Moore brings his *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 to challenge his conviction and sentence for first-degree murder. ¹ On March 9, 2020, I granted in part respondents' motion to dismiss, finding that grounds 7 and part of ground 1 are unexhausted, dismissing ground 2 as non-cognizable, and instructing Moore to choose one of three options for proceeding in this case.² Moore filed a declaration indicating his desire to abandon the unexhausted grounds for relief and proceed on the exhausted grounds.³ Respondents did not oppose Moore's request, and the deadline to do so expired without request for extension.

Accordingly, IT IS HEREBY ORDERED that

- 1. Petitioner Evan Eugene Moore's request to voluntarily dismiss Ground 7 and part of ground 1 is **GRANTED**. Ground 7 and part of ground 1 are **DISMISSED** without **prejudice** as unexhausted.
- 2. Respondents have until June 5, 2020, to answer Moore's remaining claims for relief.
- 3. In the answer, respondents must specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

¹ ECF No. 6.

² ECF No. 22.

³ ECF No. 23.

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4. Petitioner will have 60 days from the date of service of the answer to file a reply.

5. Any additional instructions stated in the April 2019 scheduling order remain in effect.⁴

Dated: April 6, 2020

U.S. District Judge Jenniter A. Dorsey

⁴ ECF No. 5.